

CESSATION ORDER
(FOR IMMINENT DANGER OR HARM)

I - 11726

ODNR

OHIO DEPARTMENT OF
NATURAL RESOURCES

DIVISION
OF RECLAMATION

Mineral
Resources mg.

2050 E. Wheeling Ave. Cambridge OH 43001

TO: AMERICAN ENERGY CORPORATION

PERMIT NO: D-0425

ADDRESS: 43521 MAY HUGH HALL ROAD Twp. 8S

DISCOVERY DATE:

BEALLSVILLE, OHIO 43716

10:00 a.m. Aug. 23, 192005

APPLICABLE STATUTE, RULE, OR PERMIT CONDITION: O.R.C. 1513.02(D)(1) 1513.16-1: 1513.13-9: 1513.14-1

DESCRIPTION OF VIOLATION, CONDITION, OR PRACTICE THAT IS CREATING AN IMMINENT DANGER TO THE HEALTH OR SAFETY OF THE PUBLIC, OR IS CAUSING, OR CAN REASONABLY BE EXPECTED TO CAUSE, A SIGNIFICANT, IMMINENT ENVIRONMENTAL HARM:

The operator failed to conduct coal mining operations so as to prevent additional contributions of suspended solids to streamflow outside the permit by allowing the uncontrolled discharge of coal slurry into Captina Creek.

8/26/05

(A) REMEDIAL ACTION & ABATEMENT TIME: Immediately cease all slurry pumping in the pipelines between D-425 & D-360 until a spill prevention plan is approved by the Division.

(modified 8/26/05 see attachment)

TIME: 4:00 a.m. DATE: 8-23-2005

(B) REMEDIAL ACTION & ABATEMENT TIME: Work in conjunction with ODNR & OEPA to complete the clean-up and restoration of the affected portions of Captina Creek and all surface areas disturbed as a result of the slurry spill and its subsequent clean-up.

TIME: 4:00 a.m. DATE: 8-28-2005

SERVED TO:

Ry. M. Murray 8/13/05

BY:

J. Putz
Authorized Representative

TIME: 4:09 a.m. DATE: 8-23-05

☒ EXTENDED TO: 5:00 a.m. 10-12-2005

☒ EXTENDED TO: 5:00 a.m. 11-15-2005

Served to:

Date:

Served to:

Date:

By:

J. Putz

Date:

9-13-05

Date:

10-13-05

MODIFIED

August 26

192005

To:

Ry. M. Murray

By:

J. Putz

() NON-COMPLIANCE:

a.m.

19

To:

Mailed 09/16/05

By:

J. Putz

TERMINATED:

5:00 a.m.

1-20-2006

To:

5:00

By:

4:30 2006

DNR 6809

See reverse side for Civil Penalty Assessment, Failure to Comply and Instructions for Appeal.

AEC 12163

CIVIL PENALTY ASSESSMENTS

Where a violation of a permit condition or any provision of Chapter 1513. of the Revised Code has occurred, a civil penalty of ~~up to \$5000.00 PER DAY~~ shall be assessed until the necessary corrective steps are initiated. Also, a civil penalty of ~~up to \$5000.00 PER DAY~~ may be assessed for each day the violation continues.

FAILURE TO COMPLY

Failure to correct any violation for which this Cessation Order was issued, within the time permitted for its correction, shall result in a civil penalty assessment of *at least \$750.00 PER DAY* for each day the violation continues beyond the prescribed abatement period.

Failure to comply with any remedial action required by this Cessation Order, even where a violation of a permit condition or any provision of Chapter 1513. of the Revised Code has not occurred, may result in *initiation of a civil or criminal action.*

INSTRUCTIONS FOR APPEAL

Review of this Cessation Order may be obtained by filing a notice of appeal with the Reclamation Board of Review, Ohio Department of Natural Resources, 1855 Fountain Square Court, Suite 124, Building H, First Floor, Columbus, Ohio 43224, *within thirty days* after this Cessation Order is served, and by filing a copy of the notice of appeal with the Chief of the Division of Reclamation, Ohio Department of Natural Resources, 1855 Fountain Square Court, Building H, Columbus, Ohio 43224, *within three days* after filing the notice of appeal with the Board. The notice of appeal must contain a copy of this Cessation Order and the grounds upon which the appeal is based. Further provisions governing the review of the Cessation Order, including request for temporary relief, are found in section 1513.13 of the Revised Code and rule promulgated thereunder.

AEC
ODNA-DMRM
CAH

AEC
Reclamation Commission
CAH

BEFORE THE

RECLAMATION COMMISSION

AMERICAN ENERGY CORPORATION,

Appellant,

-vs-

DIVISION OF MINERAL RESOURCES
MANAGEMENT,

Appellee.

Case No. RC-06-002

Review of Civil Penalty Assessment
12367; Permit D-425

NOTICE OF HEARING
AND SITE VIEW

PLEASE TAKE NOTICE that a hearing in the above-captioned matter will be held before the Reclamation Commission on June 8, 2006, at 10:00 a.m.

HEARING LOCATION:

Belmont Technical College
Board Room
120 Fox Shannon Place
St. Clairsville, Ohio 43950
[740] 695-9500

A site view will be conducted at 2:00 p.m. on June 7, 2006. Please meet at the main entrance to Belmont Technical College at that time, to be transported to the area at issue.

Failure to appear at the hearing will result in a determination of the issues against you. Pursuant to Ohio Administrative Code Section §1513-3-11(A)(4) all pretrial motions must be in writing and must be filed at least five (5) days prior to hearing.

PLEASE NOTE THE FOLLOWING: (1) Because of the legal nature of proceedings before the Commission, Appellant may wish to seek representation by an attorney; (2) The Appellee-Division will be represented by an Assistant Attorney General who may call witnesses and present evidence on behalf of the Division; and (3) Failure to comply with the jurisdictional requirements of O.R.C. §1513.02(E)(3) and §1513.13(A), and relevant regulations, in a timely manner will lead to the dismissal of these matters without a hearing.

2/15/06
DATE

LINDA WILHELM-OSTERMAN
Hearing Officer
(614) 262-1269

DISTRIBUTION:

Michael B. Gardner
Via Fax [216-765-2654] & Certified Mail #: 7000 0600 0028 2172 5769

Robert Eubanks
Via Fax [614-268-8871] & Inter-Office Certified Mail #: 6227

CESSATION ORDER
(FOR IMMINENT DANGER OR HARM)

I - 11726

ODNR
OHIO DEPARTMENT OF
NATURAL RESOURCES

DIVISION
OF RECLAMATION *Mineral Resources Mgt.*

2050 E. Wheeling Ave. Cambridge OHIO

TO: AMERICAN ENERGY CORPORATION PERMIT NO: D-0425
ADDRESS: 43521 MAY HUGH HILL ROAD Twp. 85 DISCOVERY DATE:
BEALLSVILLE, OHIO 43716 10:00^{a.m.} Aug. 23, 2005
APPLICABLE STATUTE, RULE, OR PERMIT CONDITION: O.R.C. 1513.02(D)(1); 1513.16(A) & 1501.13-9-04(A)

DESCRIPTION OF VIOLATION, CONDITION, OR PRACTICE THAT IS CREATING AN IMMINENT DANGER TO THE HEALTH OR SAFETY OF THE PUBLIC, OR IS CAUSING, OR CAN REASONABLY BE EXPECTED TO CAUSE, A SIGNIFICANT, IMMINENT ENVIRONMENTAL HARM:

The operator failed to conduct coal mining operations so as to prevent additional contributions of suspended solids to streamflow outside the permit by allowing the uncontrolled discharge of coal slurry into Captina Creek.

8/26/05
(A) REMEDIAL ACTION & ABATEMENT TIME: Immediately cease all slurry pumping in the pipelines between D-425 & D-360 until a spill prevention plan is approved by the Division.

(modified 8/26/05 sec attachment)

TIME: 4:00^{a.m.} DATE: 8-23-2005

(B) REMEDIAL ACTION & ABATEMENT TIME: Work in conjunction with ODNR & CEPA to complete the clean-up and restoration of the affected portions of Captina Creek and all surface areas disturbed as a result of the slurry spill and its subsequent clean-up.

TIME: 4:00^{a.m.} DATE: 8-28-2005

SERVED TO: Ry. M. Murray 8/13/05 BY: J. R. Rake TIME: 4:00^{a.m.} DATE: 8-23-05
Authorized Representative

CESSATION ORDER
(FOR IMMINENT DANGER OR HARM)

I - 11726



DIVISION
OF RECLAMATION *Mineral Resources Mgt.*

2050 E Wheeling Ave. Cambridge OHIO

TO: AMERICAN ENERGY CORPORATION PERMIT NO: D-0425
ADDRESS: 43521 MAY HUGH HILL ROAD Twp. 55 DISCOVERY DATE:
BEALLSVILLE, OHIO 43716 10:00 a.m. Aug. 23, 2005
APPLICABLE STATUTE, RULE, OR PERMIT CONDITION: O.R.C. 1513.02(D)(1); 1513.16(A) & 1501.13-9-04(A)

DESCRIPTION OF VIOLATION, CONDITION, OR PRACTICE THAT IS CREATING AN IMMINENT DANGER TO THE HEALTH OR SAFETY OF THE PUBLIC, OR IS CAUSING, OR CAN REASONABLY BE EXPECTED TO CAUSE, A SIGNIFICANT, IMMINENT ENVIRONMENTAL HARM:

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(modified 8/26/05 see attachment)

TIME: 4:00 a.m. DATE: 8-23-2005

(B) REMEDIAL ACTION & ABATEMENT TIME: Work in conjunction with ODNR & CEPA to complete the clean up and restoration of the affected portions of Captina Creek and all surface areas disturbed as a result of the slurry spill and its subsequent clean-up.

TIME: 4:00 a.m. DATE: 8-28-2005

SERVED TO: Ry. M. Murray 8/23/05 BY: J. Pataj TIME: 4:00 a.m. DATE: 8-23-05
Authorized Representative

~~EXTENDED TO:~~ 5:00 a.m. 10-12-2005 ~~EXTENDED TO:~~ 5:00 a.m. 11-15-2005

Served to: _____ Date: _____ Served to: Mailed 10/27/05 Date: _____

By: J. Pataj Date: 9-13-05 By: J. Pataj Date: 10-13-05

MODIFIED: August 26, 2005 To: Ry. M. Murray By: J. Pataj
() NON-COMPLIANCE: _____ a.m. _____, 19 _____ Mailed 09/16/05 By: _____
VACATED: _____, 19 _____ To: _____ By: _____
TERMINATED: _____ a.m. _____, 19 _____ To: _____ By: _____

CESSATION ORDER
(FOR IMMINENT DANGER OR HARM)

I - 11726



DIVISION
OF RECLAMATION *Mineral Resources Mgt.*

2050 E. Wheeling Ave. Cambridge OHIO

TO: AMERICAN ENERGY CORPORATION PERMIT NO: D-0425
ADDRESS: 43521 MAY HUGH HILL ROAD Twp. 55 DISCOVERY DATE:
BEALLSVILLE, OHIO 43716 10:00 a.m. Aug. 23, 2005
APPLICABLE STATUTE, RULE, OR PERMIT CONDITION: O.R.C. 1513.02(D)(1); 1513.10(A) & 1501.13-9-04(A)

DESCRIPTION OF VIOLATION, CONDITION, OR PRACTICE THAT IS CREATING AN IMMINENT DANGER TO THE HEALTH OR SAFETY OF THE PUBLIC, OR IS CAUSING, OR CAN REASONABLY BE EXPECTED TO CAUSE, A SIGNIFICANT, IMMINENT ENVIRONMENTAL HARM:

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8/26/05
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(modified 8/26/05 see attachment)

TIME: 4:00 a.m. DATE: 8-23-2005

(B) REMEDIAL ACTION & ABATEMENT TIME: Work in conjunction with ODNR & CEPA to complete the clean up and restoration of the affected portions of Captina Creek and all surface areas disturbed as a result of the slurry spill and its subsequent clean-up.

TIME: 4:00 a.m. DATE: 8-28-2005

SERVED TO: Ry. M. Murray 8/23/05 BY: J. Pataj TIME: 4:00 a.m. DATE: 8-23-05
Authorized Representative

EXTENDED TO: 5:00 a.m. 10-12-2005 EXTENDED TO: 5:00 a.m. 11-15-2005

Served to: Mailed 10/27/05 Date: 9-13-05 Served to: Mailed 10/27/05 Date: 10-13-05
By: J. Pataj By: J. Pataj

MODIFIED: August 26, 2005 To: Ry. M. Murray By: J. Pataj
() NON-COMPLIANCE: a.m. 19 Mailed 09/16/05 To: J. Pataj By: J. Pataj

EXTENDED TO: 5:00 a.m. 1-20-2006 EXTENDED TO: a.m. 19
Served to: Mailed 11/23/05 Date: 11-24-05 Served to: a.m. Date: a.m.
By: J. Pataj By: a.m.

OHIO DIVISION OF RECLAMATION

REVIEW OF REQUEST FOR EXTENSION OF TIME

NOV # _____ /IHCO # 11726

Permittee Name American Energy Corp Phone No. 740-926-9152
 Address 43521 Mayhugh Hill Road Beaverville 43716
 NOV/IHCO Discovery Date 8/23/05 Current Abatement Date 4/30/06
 Requested Abatement Date 5/31/06 Permit No. D-0425

Describe the violation or attach a copy of the NOV/IHCO to this request and describe the progress made to date in abating the violation:

ARD HAS BEEN SUBMITTED, SECOND SET OF REVISIONS MAILED 4/19/06
ODNR IS CURRENTLY REVIEWING REVISIONS
PIPELINE MODIFICATIONS OCCURRED IN NOVEMBER

INDICATE WHICH RULE BELOW JUSTIFIES THE EXTENSION AND ATTACH THE APPROPRIATE DOCUMENTATION AS DESCRIBED IN P.P.D. 93-5, INSPECTION AND ENFORCEMENT.

1501: 13-14-02 (B)(3)

(Check only one of the following)

- ____ (a) When a permittee has applied, in a timely manner, for and diligently pursued a permit renewal or other necessary approval of designs or plans but such renewal or approval has not been issued within ninety days after the permittee's valid permit expires for reasons not within the control of the permittee;
- ____ (b) When there is a valid judicial order precluding abatement within ninety days as to which the permittee has diligently pursued all rights of appeal and as to which he or she has no other effective legal remedy;
- ____ (c) When the permittee cannot abate within ninety days due to labor strike;
- ____ (d) When climatic conditions preclude abatement within ninety days or when, due to climatic conditions, abatement within ninety days clearly would cause more environmental harm than it would prevent; or
- ____ (e) When abatement within 90 days requires action that would violate safety standards established by statute or regulation under the Mine Safety and Health Act.

PERMITTEE SIGNATURE Melanie Murray DATE 4/25/06

Note: Submit this request to the District Office at least five (5) calendar days prior to the current abatement date.

OHIO DIVISION OF RECLAMATION

REVIEW OF REQUEST FOR EXTENSION OF TIME

NOV # _____ /IHCO # 11726

Permittee Name American Energy Corporation Phone No. 740-926-9114
 Address 43521 Mayhugh Hill Road Ballsville 43716

NOV/IHCO Discovery Date 8/23/05 Current Abatement Date 3/20/06
 Requested Abatement Date 4/30/06 Permit No. D-0425

Describe the violation or attach a copy of the NOV/IHCO to this request and describe the progress made to date in abating the violation:

See attached

ARP HAS BEEN SUBMITTED AND 2nd SET OF REVISIONS RECEIVED. WE ARE CURRENTLY ADDRESSING THE REVISIONS, AND WILL SUBMIT IN A TIMELY MANNER. THE ARP WILL AGAIN BE REVIEWED BY ODNR DIRM.
PIPELINE MODIFICATIONS OCCURRED IN NOVEMBER

INDICATE WHICH RULE BELOW JUSTIFIES THE EXTENSION AND ATTACH THE APPROPRIATE DOCUMENTATION AS DESCRIBED IN P.P.D. 93-5, INSPECTION AND ENFORCEMENT.

1501: 13-14-02 (B)(3)

(Check only one of the following)

- ____ (a) When a permittee has applied, in a timely manner, for and diligently pursued a permit renewal or other necessary approval of designs or plans but such renewal or approval has not been issued within ninety days after the permittee valid permit expires for reasons not within the control of the permittee;
- ____ (b) When there is a valid judicial order precluding abatement within ninety days as to which the permittee has diligently pursued all rights of appeal and as to which he or she has no other effective legal remedy;
- ____ (c) When the permittee cannot abate within ninety days due to labor strike;
- ____ (d) When climatic conditions preclude abatement within ninety days or when, due to climatic conditions, abatement within ninety days clearly would cause more environmental harm than it would prevent; or
- ____ (e) When abatement within 90 days requires action that would violate safety standards established by statute or regulation under the Mine Safety and Health Act.

PERMITTEE SIGNATURE Melanie Murray DATE 3/15/06

Note: Submit this request to the District Office at least five (5) calendar days prior to the current abatement date.

(FOR IMMINENT DANGER OR HARM)

I - 11726



DIVISION OF RECLAMATION

TO: _____ PERMIT NO: _____
 ADDRESS: _____ DISCOVERY DATE: _____
 _____ a.m. _____, 19 ____
 _____ p.m. _____
 APPLICABLE STATUTE, RULE, OR PERMIT CONDITION: O.R.C. 1513.02(D)(1); _____

DESCRIPTION OF VIOLATION, CONDITION, OR PRACTICE THAT IS CREATING AN IMMINENT DANGER TO THE HEALTH OR SAFETY OF THE PUBLIC, OR IS CAUSING, OR CAN REASONABLY BE EXPECTED TO CAUSE, A SIGNIFICANT, IMMINENT ENVIRONMENTAL HARM:

The operator failed to conduct controlling operations in order to prevent additional contributions of suspended solids to streamflow outside the permit by allowing the uncontrolled discharge of coal slurry into Captain Creek.

(A) REMEDIAL ACTION & ABATEMENT TIME: Immediately cease all slurry pumping in the pipelines
between D-425 & D-360 until a spill prevention plan is approved by the Division.

TIME: 11:00 ^{a.m.}/_{p.m.} DATE: 5/20, 1975

(B) REMEDIAL ACTION & ABATEMENT TIME: Work in conjunction with DNR & DEP to complete the clean-up and restoration of the affected portions of Captain Creek and its surface waters displaced as a result of the slurry spill and its subsequent clean-up.

TIME: 4:00 a.m. DATE: 8-28-2005
p.m.

SERVED TO: [Signature] BY: [Signature] TIME: 4:01 ^{a.m.}/_{p.m.} DATE: 02-02-2011
Authorized Representative

() EXTENDED TO: _____ a.m. _____ p.m. _____, 19 _____ () EXTENDED TO: _____ a.m. _____ p.m. _____, 19 _____

Served to: _____ Date: _____ Served to: _____ Date: _____

By: _____ Date: _____ By: _____ Date: _____

MODIFIED: _____, 19____ **To:** _____ **By:** _____

() NON-COMPLIANCE: a.m. 19 To: By:

VACATED: _____ To: _____ By: _____

OHIO DIVISION OF RECLAMATION

REVIEW OF REQUEST FOR EXTENSION OF TIME

NOV # _____ /IHCO # 11726

Permittee Name American Energy Corporation Phone No. 740-926-915
 Address 43521 Mayhugh Hill Road Ballsville 43716

NOV/IHCO Discovery Date 8/23/05 Current Abatement Date 3/30/06
 Requested Abatement Date 4/30/06 Permit No. D-0425

Describe the violation or attach a copy of the NOV/IHCO to this request and describe the progress made to date in abating the violation:

See attached

ARP HAS BEEN SUBMITTED AND 2nd SET OF REVISIONS RECEIVED. WE ARE CURRENTLY ADDRESSING THE REVISIONS, AND WILL SUBMIT IN A TIMELY MANNER. THE ARP WILL AGAIN BE REVIEWED BY ODNR DHRM.
PIPELINE MODIFICATIONS OCCURRED IN NOVEMBER

INDICATE WHICH RULE BELOW JUSTIFIES THE EXTENSION AND ATTACH THE APPROPRIATE DOCUMENTATION AS DESCRIBED IN P.P.D. 93-5, INSPECTION AND ENFORCEMENT.

1501: 13-14-02 (B) (3)

(Check only one of the following)

- _____ (a) When a permittee has applied, in a timely manner, for and diligently pursued a permit renewal or other necessary approval of designs or plans but such renewal or approval has not been issued within ninety days after the permittee's valid permit expires for reasons not within the control of the permittee;
- _____ (b) When there is a valid judicial order precluding abatement within ninety days as to which the permittee has diligently pursued all rights of appeal and as to which he or she has no other effective legal remedy;
- _____ (c) When the permittee cannot abate within ninety days due to labor strike;
- _____ (d) When climatic conditions preclude abatement within ninety days or when, due to climatic conditions, abatement within ninety days clearly would cause more environmental harm than it would prevent; or
- _____ (e) When abatement within 90 days requires action that would violate safety standards established by statute or regulation under the Mine Safety and Health Act.

PERMITTEE SIGNATURE Melanie Murray DATE 3/15/06

Note: Submit this request to the District Office at least five (5) calendar days prior to the current abatement date.

OHIO DIVISION OF RECLAMATION

REVIEW OF REQUEST FOR EXTENSION OF TIME

NOV # _____ IHCO # 11726

Permittee Name American Energy Corp Phone No. ⁷⁴⁰ 926 9152
 Address 4354 Mayhugh Hill Rd Ballsville OH 43716
 NOV/IHCO Discovery Date 8/23/05 Current Abatement Date 4/30/06
 Requested Abatement Date 7/31/06 Permit No. D-0425

Describe the violation or attach a copy of the NOV/IHCO to this request and describe the progress made to date in abating the violation:
ARP IS COMPLETE BUT IS ON HOLD BY ODMR. ONCE ARP IS ISSUED,

INDICATE WHICH RULE BELOW JUSTIFIES THE EXTENSION AND ATTACH THE APPROPRIATE DOCUMENTATION AS DESCRIBED IN P.P.D. 93-5, INSPECTION AND ENFORCEMENT.

1501: 13-14-02 (B) (3)

(Check only one of the following)

- ☒ (a) When a permittee has applied, in a timely manner, for and diligently pursued a permit renewal or other necessary approval of designs or plans but such renewal or approval has not been issued within ninety days after the permittee's valid permit expires for reasons not within the control of the permittee;
- ☐ (b) When there is a valid judicial order precluding abatement within ninety days as to which the permittee has diligently pursued all rights of appeal and as to which he or she has no other effective legal remedy;
- ☐ (c) When the permittee cannot abate within ninety days due to labor strike;
- ☐ (d) When climatic conditions preclude abatement within ninety days or when, due to climatic conditions, abatement within ninety days clearly would cause more environmental harm than it would prevent; or
- ☐ (e) When abatement within 90 days requires action that would violate safety standards established by statute or regulation under the Mine Safety and Health Act.

PERMITTEE SIGNATURE Melanie Murray DATE 6/23/06

Note: Submit this request to the District Office at least five (5) calendar days prior to the current abatement date.

entered 9-16-05

CESSATION ORDER
(FOR IMMINENT DANGER OR HARM)

I - 11726



DIVISION
OF RECLAMATION Mineral Resources Mgt.

2050 E. Wheeling Ave. Cambridge OHIO

TO: AMERICAN ENERGY CORPORATION PERMIT NO: D-0425
ADDRESS: 43521 MAY HUGH HILL ROAD Twp. 58 DISCOVERY DATE:
BEALLSVILLE, OHIO 43716 10:00 a.m. Aug. 23, 2005
APPLICABLE STATUTE, RULE, OR PERMIT CONDITION: O.R.C. 1513.02(D)(1); 1513.10(A) & 1501.13-9-04(A)

DESCRIPTION OF VIOLATION, CONDITION, OR PRACTICE THAT IS CREATING AN IMMINENT DANGER TO THE HEALTH OR SAFETY OF THE PUBLIC, OR IS CAUSING, OR CAN REASONABLY BE EXPECTED TO CAUSE, A SIGNIFICANT, IMMINENT ENVIRONMENTAL HARM:

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8/26/05
(A) REMEDIAL ACTION & ABATEMENT TIME: Immediately cease all slurry pumping in the pipelines between D-425 & D-360 until a spill prevention plan is approved by the Division.

(modified 8/26/05 see attachment)

TIME: 4:00 a.m. DATE: 8-23-2005

(B) REMEDIAL ACTION & ABATEMENT TIME: Work in conjunction with ODNR & CEPA to complete the clean-up and restoration of the affected portions of Captina Creek and all surface areas disturbed as a result of the slurry spill and its subsequent clean-up.

TIME: 4:00 a.m. DATE: 8-28-2005

SERVED TO: Ry. M. Murray 8/23/05 BY: J. Pataky
Authorized Representative

TIME: 4:00 a.m. DATE: 8-23-2005

EXTENDED TO: 5:00 a.m. 10-12-2005 () EXTENDED TO: _____ a.m. _____ p.m. _____, 19 _____

Served to: _____ Date: _____ Served to: _____ Date: _____

By: J. Pataky Date: 9-13-05 By: _____ Date: _____

MODIFIED: August 26, 19 2005 To: Ry. M. Murray By: J. Pataky

() NON-COMPLIANCE: _____ a.m. _____ p.m. _____, 19 _____ Mailed 09/16/05 By: _____

VACATED: _____, 19 _____ To: _____ By: _____

TERMINATED: _____ a.m. _____ p.m. _____, 19 _____ To: _____ By: _____

OHIO DIVISION OF RECLAMATION

REVIEW OF REQUEST FOR EXTENSION OF TIME

NOV # _____ /IHCO # 11726

Permittee Name American Energy Corporation Phone No. 740 926 9152
 Address 43521 Mayhugh Hill Road Beaverville OH
 NOV/IHCO Discovery Date 8/23/05 Current Abatement Date 1/20/06
 Requested Abatement Date 3/20/06 Permit No. D-0425

Describe the violation or attach a copy of the NOV/IHCO to this request and describe the progress made to date in abating the violation:

ARP Has been submitted and revisions received. The revisions include a request for an automated leak detection device. No such device has currently be utilized in the mining industry. We have found an expensive system that may work and we are still evaluating the system. We will have the ARP submitted next week, but the ARP will need to be reviewed by ODNR.

INDICATE WHICH RULE BELOW JUSTIFIES THE EXTENSION AND ATTACH THE APPROPRIATE DOCUMENTATION AS DESCRIBED IN P.P.D. 93-5, INSPECTION AND ENFORCEMENT.

1501: 13-14-02 (B)(3)

(Check only one of the following)

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- ☐ (e) When abatement within 90 days requires action that would violate safety standards established by statute or regulation under the Mine Safety and Health Act.

PERMITTEE SIGNATURE Melanie Murray DATE 1/12/06

Note: Submit this request to the District Office at least five (5) calendar days prior to the current abatement date.

EXECUTIVE EDUCATION

THE OHIO STATE UNIVERSITY • FISHER COLLEGE OF BUSINESS

FAX SHEET

DATE: 1/12/06

TO: John Puterbaugh

FAX#: 740-432-7711

FROM: Melanie Murray

TOTAL # OF PAGES: 3
(Including cover page)

EXECUTIVE EDUCATION FAX # 614-292-6644

MESSAGE:

110 PFAHL HALL • 280 W. WOODRUFF AVENUE • COLUMBUS, OH 43210-1144
TELEPHONE: 614-292-9300 • FAX: 614-292-6644 • www.cob.ohio-state.edu/execed

AEC 12176



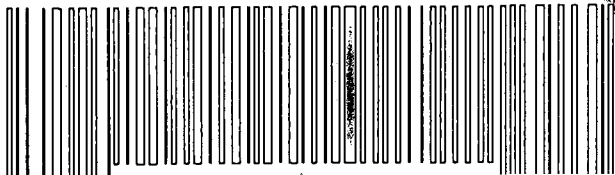
Ohio Department of Natural Resources

Division of Mineral Resources Management
34 Portsmouth Street
Jackson, OH 45640-1622

American Energy
43521 May Hugh Hill Rd.
Beallsville, OH 43716



UPS Next Day Air
EXTREMELY URGENT



1

DIVISION OF MINERAL RESOURCES MANAGEMENT
ASSESSMENT OFFICER WORKSHEET

PERMITTEE: American Energy Corp. Permit #: D-0425

INSPECTOR: J. Puterbaugh INSPECTION DATE: 8-23-05 NOV#: I-11726

HISTORY: TOTAL: \$80.00

(For violations issued on the same permit during the last twelve calendar months.)

- 8) Number of Violations 0 @ \$100.00 for each duplication of the same violation
- 9) Number of Violations 0 \$100.00 for each failure to abate cessation order
- 10) Number of Violations 4 @ \$20.00 each for all other violations

PROPOSED ASSESSMENT TOTAL: \$36080.00
Date: 9-20-05

PATTERN OF VIOLATIONS REVIEWED

GOOD FAITH: Minus 25% of Assessment Total

- 11) Yes _____ Did the permittee take **EXTRAORDINARY** actions to abate
NO _____ the violation in the shortest possible time and date the
N/A _____ violation before the time set for abatement? See
attached Good Faith Compliance Report.)

FINAL ASSESSMENT TOTAL: \$
DATE: _____

NOTE: Any **proposed and final** assessment of \$500.00 or less **may** be waived if the violation did not cause irreparable damage or affect public health or safety, **and** if the violation was abated within the prescribed abatement time. However, any assessment for a violation which was previously cited during the last 12 months on the same permit, for exceeding pint discharge effluent limitations or depositing sediment onto adjacent lands will generally not be waived.

DIVISION OF MINERAL RESOURCES MANAGEMENT
ASSESSMENT OFFICER WORKSHEET

N.O.V.# I-11726 PERMIT #: D-0425 CPA # 12367

SERIOUSNESS: Total: \$35,800.00

1) YES X Did the violation cause damage to permitted or
unpermitted land? (\$400.00 plus floodplain damage)
No (\$35,000.00 @ \$5,000/day 8/23-8/29: Captina damage)

2) Yes X Did the violation cause irreparable or irreversible
damage to permitted or unpermitted land? (\$400.00)
NO

3) Yes Did the violation cause a situation which increased the
probability of the public health or safety being
No X adversely affected? (\$400.00)

4) Yes If an administrative violation (e.g. maps, permits,
blast records, failure to notify for inspection
No purposes, etc.), did the violation obstruct
enforcement or deny the Division or public the
opportunity to exercise enforcement or permitting
NA X requirements? (\$200.00)

Explain:

The coal slurry severely damaged several thousand feet of stream channel. Water quality & stream habitat were greatly impacted. Many aquatic life forms were destroyed.

Negligence: TOTAL: \$200.00

- 5) YES X Was the violation avoidable by the exercise of
NO reasonable care? (\$200.00)
- 6) YES Was the violation a reckless act or a result of
NO X recklessness (\$500.00)
- 7) YES Was the violation knowingly or intentionally
NO X committed for economic gain from production (i.e.
removal of overburden and/or coal)? (\$2,200.00)

Explain:

Routine inspection of the pipeline would have revealed the failure before the containment dike overtopped. Exercise of reasonable care would have prevented the violation.

Civil Penalty Assessment
Ohio Department of Natural Resources
DIVISION OF MINERAL RESOURCES MANAGEMENT
2045 Morse Rd., Bldg. H-3
Columbus, Ohio 43229-6693

September 20, 2005

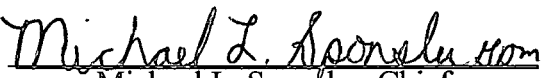
PROPOSED CIVIL PENALTY ASSESSMENT

American Energy Corporation
43521 May Hugh Hill Road
Beallsville, OH 43716

SUBJECT: PROPOSED CIVIL PENALTY ASSESSMENT NUMBER 12367

For Notice of Cessation Order Number I-11726 Permit Number D-0425 issued on August 23, 2005, the permittee is hereby issued a proposed civil penalty assessment in the total amount of \$36,080.00. NO PAYMENT IS REQUIRED UNTIL A FINAL ASSESSMENT IS ISSUED OR AN APPEAL IS FILED WITH THE RECLAMATION COMMISSION.

Failure to abate the Notice of Violation within the prescribed abatement time shall result in an additional civil penalty assessment of at least \$750.00 for each day during which such failure continues, up to thirty (30) days.


Michael L. Sponsler, Chief
Division of Mineral Resources Management

Pursuant to Sections 1513.02 and 1513.13 O.R.C. and 1501: 13-14-03 O.A.C., this assessment may be appealed by filing a notice of appeal and forward the amount of penalty, for placement in a escrow account, with the Reclamation Commission, Ohio Department of Natural Resources, 2045 Morse Rd., Bldg. C-2, Columbus, Ohio 43229 within thirty (30) days after it is issued, and by filing a copy of the notice of appeal with the chief within three (3) days after it is filed with the Reclamation Commission. The notice of appeal shall contain a copy of the civil penalty assessment and worksheets and the grounds upon which the appeal is based.

You may request an informal conference to review the AMOUNT of this assessment by writing to Greg Mills, Division of Mineral Resources Management, 34 Portsmouth Street, Jackson, OH, 45640, within fifteen (15) days after receipt of this assessment. Time allowed for appeal to the Reclamation Commission shall be tolled from time the written request is received to the time the assessment is revised or upheld.

Next Day Air # 1Z 495 258 01 1000 013 0

cc: John Puterbaugh
File

AEC 12172

CESSATION ORDER
(FOR IMMINENT DANGER OR HARM)

I - 11726

ODNR

OHIO DEPARTMENT OF
NATURAL RESOURCES

DIVISION
OF RECLAMATION *Mineral
Resources Mgt.*

2050 E. Wheeling Ave. Cambridge OHIO

TO: AMERICAN ENERGY CORPORATION PERMIT NO: D-0425
ADDRESS: 43521 MAY HUGH HILL ROAD Twp. 85 DISCOVERY DATE:
BEALLSVILLE, OHIO 43716 10:00^{a.m.} Aug. 23, 2005
APPLICABLE STATUTE, RULE, OR PERMIT CONDITION: O.R.C. 1513.02(D)(1); 1513.10(A) & 1501.13-9-04(A)

DESCRIPTION OF VIOLATION, CONDITION, OR PRACTICE THAT IS CREATING AN IMMINENT DANGER TO THE HEALTH OR SAFETY OF THE PUBLIC, OR IS CAUSING, OR CAN REASONABLY BE EXPECTED TO CAUSE, A SIGNIFICANT, IMMINENT ENVIRONMENTAL HARM:

The operator failed to conduct coal mining operations so as to prevent additional
contributions of suspended solids to streamflow outside the permit by allowing the
uncontrolled discharge of coal slurry into Captina Creek.

8/26/05
(A) REMEDIAL ACTION & ABATEMENT TIME: Immediately cease all slurry pumping in the pipelines
between D-425 & D-360 until a spill prevention plan is approved by the Division.

(modified 8/26/05 see attachment)

TIME: 4:00^{a.m.} DATE: 8-23-2005

(B) REMEDIAL ACTION & ABATEMENT TIME: Work in conjunction with ODNR & OEPA to complete
the clean up and restoration of the affected portions of Captina Creek and all surface areas
disturbed as a result of the slurry spill and its subsequent clean-up.

TIME: 4:00^{a.m.} DATE: 8-28-2005

SERVED TO: Ry. M. Murray 8/13/05 BY: J. Pataj TIME: 4:00^{a.m.} DATE: 8-23-05
Authorized Representative

~~EXTENDED TO:~~ 5:00^{a.m.} 10-12-2005 ~~EXTENDED TO:~~ 5:00^{a.m.} 11-15-2005

Served to: Mailed 10/27/05 Date:

By: J. Pataj Date: 9-13-05 By: J. Pataj Date: 10-13-05

MODIFIED: August 26, 192005 To: Ry. M. Murray By: J. Pataj
() NON-COMPLIANCE: a.m., 192005 Mailed 09/16/05 To: By:

EXTENDED TO: 5:00^{a.m.} 1-20-2006 EXTENDED TO: , 19

Served to: Mailed 11/23/05 Date: Served to: Date:

By: J. Pataj Date: 11-24-05 By: Date:

EXTENDED TO: 5:00^{a.m.} 3-20-2006 EXTENDED TO: , 19

Served to: Mailed 02/09/06 Date: Served to: Date:

By: J. Pataj Date: 2-8-06 By: Date:

MODIFIED: , 19 To: By:

NON-COMPLIANCE: a.m., 19 To: By:

Cessation Order Issued? yes no. If no, explain

VACATED: , 19 To: By:

TERMINATED: , 19 To: By:

CESSATION ORDER
(FOR IMMINENT DANGER OR HARM)

I - 11726

ODNR

OHIO DEPARTMENT OF
NATURAL RESOURCES

DIVISION
OF RECLAMATION

Mineral
Resources Mgt.

2050 E. Wheeling Ave. Cambridge OHIO

TO: AMERICAN ENERGY CORPORATION PERMIT NO: D-0425
ADDRESS: 43521 MAY HUGH HILL ROAD Twp. 58 DISCOVERY DATE:
BEALLSVILLE, OHIO 43716 10:00 a.m. Aug. 23, 2005
APPLICABLE STATUTE, RULE, OR PERMIT CONDITION: O.R.C. 1513.02(D)(1); 1513.16(A) & 1501.13-9-04(A)

DESCRIPTION OF VIOLATION, CONDITION, OR PRACTICE THAT IS CREATING AN IMMINENT DANGER TO THE HEALTH OR SAFETY OF THE PUBLIC, OR IS CAUSING, OR CAN REASONABLY BE EXPECTED TO CAUSE, A SIGNIFICANT, IMMINENT ENVIRONMENTAL HARM:

The operator failed to conduct coal mining operations so as to prevent additional contributions of suspended solids to streamflow outside the permit by allowing the uncontrolled discharge of coal slurry into Captina Creek.

8/26/05

(A) REMEDIAL ACTION & ABATEMENT TIME: Immediately cease all slurry pumping in the pipelines between D-425 & D-360 until a spill prevention plan is approved by the Division.

(modified 8/26/05 see attachment)

TIME: 4:00 a.m. 8-23 2005

(B) REMEDIAL ACTION & ABATEMENT TIME: Work in conjunction with ODNR & CEPA to complete the clean-up and restoration of the affected portions of Captina Creek and all surface areas disturbed as a result of the slurry spill and its subsequent clean-up.

TIME: 4:00 a.m. 8-28-2005

SERVED TO: Ry. M. Murray ^{8/23/05} BY: J. Pataky
Authorized Representative

TIME: 4:00 a.m. 8-23-05

☒ EXTENDED TO: 5:00 a.m. 10-12-2005 () EXTENDED TO: _____ a.m. _____ p.m. _____, 19 _____

Served to: _____ Date: _____ Served to: _____ Date: _____

By: J. Pataky Date: 9-13-05 By: _____ Date: _____

MODIFIED: August 26, 2005 To: Ry. M. Murray By: J. Pataky

NON-COMPLIANCE: _____ a.m. _____ p.m. _____, 19 _____ Mailed 09/16/05 To: _____ By: _____

VACATED: _____, 19 _____ To: _____ By: _____

TERMINATED: _____ a.m. _____ p.m. _____, 19 _____ To: _____ By: _____

OHIO DIVISION OF RECLAMATION

REVIEW OF REQUEST FOR EXTENSION OF TIME

NOV # _____ /IHCO # 11726

Permittee Name American Energy Corp Phone No. 740 926 9152
 Address 43521 Mayhugh Hill Rd Bradsville OH 43716
 NOV/IHCO Discovery Date 8/23/05 Current Abatement Date 5/31/06
 Requested Abatement Date 6/30/06 Permit No. D-0425

Describe the violation or attach a copy of the NOV/IHCO to this request and describe the progress made to date in abating the violation:
ARP IS COMPLETE BUT IS ON HOLD BY ODNR. ONCE ARP IS ISSUED,

INDICATE WHICH RULE BELOW JUSTIFIES THE EXTENSION AND ATTACH THE APPROPRIATE DOCUMENTATION AS DESCRIBED IN P.P.D. 93-5, INSPECTION AND ENFORCEMENT.

1501: 13-14-02 (B) (3)

(Check only one of the following)

- ☒ (a) When a permittee has applied, in a timely manner, for and diligently pursued a permit renewal or other necessary approval of designs or plans but such renewal or approval has not been issued within ninety days after the permittee's valid permit expires for reasons not within the control of the permittee;
- ☐ (b) When there is a valid judicial order precluding abatement within ninety days as to which the permittee has diligently pursued all rights of appeal and as to which he or she has no other effective legal remedy;
- ☐ (c) When the permittee cannot abate within ninety days due to labor strike;
- ☐ (d) When climatic conditions preclude abatement within ninety days or when, due to climatic conditions, abatement within ninety days clearly would cause more environmental harm than it would prevent; or
- ☐ (e) When abatement within 90 days requires action that would violate safety standards established by statute or regulation under the Mine Safety and Health Act.

PERMITTEE SIGNATURE Melanie Murray DATE 5/25/06

Note: Submit this request to the District Office at least five (5) calendar days prior to the current abatement date.

OHIO DIVISION OF RECLAMATION

REVIEW OF REQUEST FOR EXTENSION OF TIME

NOV # _____ /IHCO # 11726

Permittee Name American Energy Corp Phone No. ⁷⁴⁰ 926 9152
 Address 43524 Mayhugh Hill Rd Beallsville OH 43716

NOV/IHCO Discovery Date 8/23/05 Current Abatement Date _____
 Requested Abatement Date _____ Permit No. D-0425

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- _____ (d) When climatic conditions preclude abatement within ninety days or when, due to climatic conditions, abatement within ninety days clearly would cause more environmental harm than it would prevent; or
- _____ (e) When abatement within 90 days requires action that would violate safety standards established by statute or regulation under the Mine Safety and Health Act.

PERMITTEE SIGNATURE

Melanie Murray

DATE

Note:

Submit this request to the District Office at least five (5) calendar days prior to the current abatement date.

CESSATION ORDER
(FOR IMMINENT DANGER OR HARM)

I - 11726

ODNR

OHIO DEPARTMENT OF
NATURAL RESOURCES

DIVISION
OF RECLAMATION

Mineral
Resources Mgt.

2050 E. Wheeling Ave. Cambridge OHIO

TO: AMERICAN ENERGY CORPORATION

PERMIT NO: D-0425

ADDRESS: 43521 MAY HUGH HILL ROAD Twp. 85
BEALLSVILLE, OHIO 43716

DISCOVERY DATE:

10:00 a.m. Aug. 23, 2005

APPLICABLE STATUTE, RULE, OR PERMIT CONDITION: O.R.C. 1513.02(D)(1); 1513.16(A); 1501.13-9-04(A)

DESCRIPTION OF VIOLATION, CONDITION, OR PRACTICE THAT IS CREATING AN IMMINENT DANGER TO THE HEALTH OR SAFETY OF THE PUBLIC, OR IS CAUSING, OR CAN REASONABLY BE EXPECTED TO CAUSE, A SIGNIFICANT, IMMINENT ENVIRONMENTAL HARM:

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8/26/05

(A) REMEDIAL ACTION & ABATEMENT TIME: Immediately cease all slurry pumping in the pipelines between D-425 & D-360 until a spill prevention plan is approved by the Division.

(modified 8/26/05 see attachment)

TIME: 4:00 a.m. 8-23-2005

(B) REMEDIAL ACTION & ABATEMENT TIME: Work in conjunction with ODNR & OEPA to complete the clean-up and restoration of the affected portions of Captina Creek and all surface areas disturbed as a result of the slurry spill and its subsequent clean-up.

TIME: 4:00 a.m. 8-28-2005

SERVED TO:

Ry. M. Murray

8/23/05

BY:

J. Pataj
Authorized Representative

TIME: 4:00 a.m. 8-23-05

DATE: 8-23-05

~~EXTENDED TO:~~ 5:00 a.m. 10-12-2005

Served to:

Date:

Served to:

Mailed 10/27/05

Date:

By:

J. Pataj

Date:

9-13-05

By:

J. Pataj

Date:

10-13-05

MODIFIED:

August 26

, 10 2005

To:

Ry. M. Murray

By:

J. Pataj

() NON-COMPLIANCE:

a.m.
p.m.

, 19

Mailed 09/16/05

To:

By:

EXTENDED TO: 5:00 a.m. 1-20-2006

EXTENDED TO: 5:00 a.m. 4-30-2006

Served to:

Mailed 11/23/05

Date:

Served to:

Mailed 03-31-06

Date:

By:

J. Pataj

Date:

11-24-05

By:

J. Pataj

Date:

3-27-06

EXTENDED TO: 5:00 a.m. 3-20-2006

EXTENDED TO: 5:00 a.m. 5-31-2006

Served to:

Mailed 02/09/06

Date:

Served to:

Mailed 5/12/06

Date:

By:

J. Pataj

Date:

2-8-06

By:

J. Pataj

Date:

5-11-06

MODIFIED:

, 19

To:

By:

NON-COMPLIANCE:

a.m.
p.m.

, 19

To:

By:

Cessation Order Issued? yes

no

If no, explain

VACATED:

, 19

To:

By:

TERMINATED:

, 19

To:

By:

CESSATION ORDER
(FOR IMMINENT DANGER OR HARM)

I - 11726

ODNR

OHIO DEPARTMENT OF
NATURAL RESOURCES

DIVISION
OF RECLAMATION

Mineral
Resources Mgt.

2050 E. Wheeling Ave. Cambridge OH 43001

TO: AMERICAN ENERGY CORPORATION PERMIT NO: D-0425
ADDRESS: 43521 MAY HUGH HILL ROAD Twp. 85 DISCOVERY DATE:
BEALLSVILLE, OHIO 43716 10:00 a.m. Aug. 23, 2005
APPLICABLE STATUTE, RULE, OR PERMIT CONDITION: O.R.C. 1513.02(D)(1); 1513.16(A); 1501.13-9-04(A)

DESCRIPTION OF VIOLATION, CONDITION, OR PRACTICE THAT IS CREATING AN IMMINENT DANGER TO THE HEALTH OR SAFETY OF THE PUBLIC, OR IS CAUSING, OR CAN REASONABLY BE EXPECTED TO CAUSE, A SIGNIFICANT, IMMINENT ENVIRONMENTAL HARM:

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8/26/05
(A) REMEDIAL ACTION & ABATEMENT TIME: Immediately cease all slurry pumping in the pipelines between D-425 & D-360 until a spill prevention plan is approved by the Division.

(modified 8/26/05 see attachment)

TIME: 4:00 a.m. DATE: 8-23-2005

(B) REMEDIAL ACTION & ABATEMENT TIME: Work in conjunction with ODNR & CEPA to complete the clean-up and restoration of the affected portions of Captina Creek and all surface areas disturbed as a result of the slurry spill and its subsequent clean-up.

TIME: 4:00 a.m. DATE: 8-28-2005

SERVED TO: Ry. M. Murray 8/23/05 BY: J. Pataj TIME: 4:00 a.m. DATE: 8-23-05
Authorized Representative

☒ EXTENDED TO: 5:00 a.m. 10-12-2005 ☒ EXTENDED TO: 5:00 a.m. 11-15-2005
Served to: _____ Date: _____ Served to: Mailed 10/27/05 Date: _____
By: J. Pataj Date: 9-13-05 By: J. Pataj Date: 10-13-05

MODIFIED: August 26, 2005 To: Ry. M. Murray By: J. Pataj
☐ NON-COMPLIANCE: a.m. 19 Mailed 09/16/05 To: _____ By: _____

EXTENDED TO: 5:00 a.m. 1-20-2006 EXTENDED TO: 5:00 a.m. 4-30-2006
Served to: Mailed 11/23/05 Date: _____ Served to: Mailed 03-31-06 Date: _____
By: J. Pataj Date: 11-24-05 By: J. Pataj Date: 3-27-06
EXTENDED TO: 5:00 a.m. 3-20-2006 EXTENDED TO: 5:00 a.m. 5-31-2006
Served to: Mailed 02/09/06 Date: _____ Served to: Mailed 5/12/06 Date: _____
By: J. Pataj Date: 2-8-06 By: J. Pataj Date: 5-11-06

EXTENDED TO: 5:00 a.m. 6-30-2006 EXTENDED TO: _____ a.m. _____, 19 _____

Served to: Mailed Date: 6-23-06 Served to: _____ Date: _____
By: J. Pataj Date: 6-22-06 By: _____ Date: _____

EXTENDED TO: _____ a.m. _____, 19 _____ EXTENDED TO: _____ a.m. _____, 19 _____

Served to: _____ Date: _____ Served to: _____ Date: _____

By: _____ Date: _____ By: _____ Date: _____

MODIFIED: _____, 19 _____ To: _____ By: _____

AEC 12166

EXTENDED TO: 5:00 a.m. 1-20 2006 EXTENDED TO: 5:00 a.m. 4/30 2006
Served to: _____ Date: _____ Served to: Mailed 03-31-06 Date: _____
By: J. P. Taylor Date: 11-24-05 By: J. P. Taylor Date: 3-24-06
EXTENDED TO: 5:00 a.m. 3-20 2006 EXTENDED TO: 5:00 a.m. 5-31 2006
Served to: _____ Date: _____ Served to: _____ Date: _____
By: _____ Date: 2-8-06 By: _____ Date: 5-14-06
EXTENDED TO: 5:00 a.m. 6-30 2006 EXTENDED TO: _____ a.m. _____, 19____
Served to: Mailed Date: 6-23-06 Served to: _____ Date: _____
By: J. P. Taylor Date: 6-22-06 By: _____ Date: _____
EXTENDED TO: _____ a.m. _____, 19____ EXTENDED TO: _____ a.m. _____, 19____
Served to: _____ Date: _____ Served to: _____ Date: _____
By: _____ Date: _____ By: _____ Date: _____

MODIFIED: _____, 19____ To: _____ By: _____

NON-COMPLIANCE: _____ a.m. _____, 19____ To: _____ By: _____

Cessation Order Issued? _____ yes _____ no. If no, explain _____

VACATED: _____, 19____ To: _____ By: _____

TERMINATED: 6-30 2006 To: Mailed 7/12/06 By: J. P. Taylor

CESSATION ORDER
(FOR IMMINENT DANGER OR HARM)

I - 11726

ODNR

OHIO DEPARTMENT OF
NATURAL RESOURCES

DIVISION
OF RECLAMATION *Mined
Recovery Mgt.*

2050 E. Wheeling Ave. Cambridge OHIO

TO: AMERICAN ENERGY CORPORATION PERMIT NO: D-0425
ADDRESS: 43521 MAY HUGH HILL ROAD Twp. 85 DISCOVERY DATE:
BEALLSVILLE, OHIO 43716 10:00 a.m. Aug. 23, 2005
APPLICABLE STATUTE, RULE, OR PERMIT CONDITION: O.R.C. 1513.02(D)(1); 1513.10(A) & 1501.13-9-04(A)

DESCRIPTION OF VIOLATION, CONDITION, OR PRACTICE THAT IS CREATING AN IMMINENT DANGER TO THE HEALTH OR SAFETY OF THE PUBLIC, OR IS CAUSING, OR CAN REASONABLY BE EXPECTED TO CAUSE, A SIGNIFICANT, IMMINENT ENVIRONMENTAL HARM:

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between D-425 & D-360 until a spill prevention plan is approved by the Division.

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TIME: 4:00 a.m. DATE: 8-23-2005

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the clean up and restoration of the affected portions of Captina Creek and all surface areas
disturbed as a result of the slurry spill and its subsequent clean-up.

TIME: 4:00 a.m. DATE: 8-28-2005

SERVED TO: By M. Murray 8/13/05 BY: J. Pataj TIME: 4:00 a.m. DATE: 8-23-05
Authorized Representative

~~EXTENDED TO:~~ 5:00 a.m. 10-12-2005 ~~EXTENDED TO:~~ 5:00 a.m. 11-15-2005

Served to: Mailed 10/27/05 Date: 10-27-05
By: J. Pataj Date: 9-13-05 By: J. Pataj Date: 10-13-05

MODIFIED: August 26, 2005 To: By M. Murray By: J. Pataj
() NON-COMPLIANCE: a.m. Mailed 09/16/05 To: By

EXTENDED TO: 5:00 a.m. 1-20-2006 EXTENDED TO: 5:00 a.m. 4-30-2006

Served to: Mailed 11/23/05 Date: 11-24-05 Served to: Mailed 03-31-06 Date: 3-31-06
By: J. Pataj Date: 11-24-05 By: J. Pataj Date: 3-31-06

EXTENDED TO: 5:00 a.m. 3-20-2006 EXTENDED TO: a.m. , 19

Served to: Mailed 02/09/06 Date: 2-9-06 Served to: 3/30/06 3:04 p.m. Date: 3-30-06
By: J. Pataj Date: 2-9-06 By: J. Pataj Date: 3-30-06

MODIFIED: , 19 To: By

NON-COMPLIANCE: a.m. , 19 To: By

Cessation Order Issued? yes no If no, explain

VACATED: , 19 To: By

TERMINATED: , 19 To: By